

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JAMES MANNING,	:	
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	:	23 Civ. 2352 (LGS)
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CITY OF NEW YORK, et al.,	:	<u>ORDER</u>
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LORNA G. SCHOFIELD, District Judge:

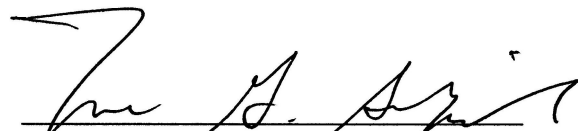
WHEREAS, on June 23, 2023, Defendants filed a joint motion to dismiss, arguing that Plaintiff's claims are barred by the statute of limitations. That motion was fully briefed as of July 26, 2023. It is hereby

ORDERED that Defendants' motion to dismiss based on the statute of limitations is DENIED without prejudice to renewal. The Court is required to determine first whether it has subject matter jurisdiction. *See Corbett v. Hochul*, No. 22-3210-CV, 2023 WL 7538202, at *2 (2d Cir. Nov. 14, 2023) (summary order). The Court has an independent duty to assure itself of the existence of subject matter jurisdiction. *Id.* at *1. Defendants have outlined their arguments that the case should be dismissed for lack of subject matter jurisdiction in their pre-motion letters at Dkt. Nos. 30 and 32. Plaintiff may submit a letter brief in response no later than **January 5, 2024**, stating why the case should not be dismissed for lack of subject matter jurisdiction. It is further

ORDERED that Defendants serve a copy of this Order on Plaintiff no later than **December 12, 2023**, and file proof of service on the docket.

The Clerk of Court is respectfully directed to close the motion at Dkt. No. 50.

Dated: December 6, 2023
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE